

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

TAMARA FLEGAL,

Plaintiff,

-against-

FIRST SOURCE ADVANTAGE, LLC,

Defendant.

**VERIFIED COMPLAINT and DEMAND
FOR JURY TRIAL**

NOW COMES Plaintiff, Tamara Flegal ("Plaintiff"), by and through her attorneys, Krohn & Moss, Ltd., for her Verified Complaint against Defendant, First Source Advantage, LLC, ("Defendant"), alleges as follows:

NATURE OF THE ACTION

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

PARTIES

2. Plaintiff is a natural person residing in Winchester, Virginia.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a national company having its principal place of business located in Amherst, Erie County, New York.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

JURISDICTION AND VENUE

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant conducts business and is located in the state of New York, personal jurisdiction is established.

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

FACTUAL ALLIGATIONS

10. Defendant constantly and continuously places collection calls to Plaintiff, approximately ten (10) times a week, seeking payment for an alleged debt.

11. Defendant continuously contacts Plaintiff at her place of employment, despite being told not to call Plaintiff at her place of employment.

12. Defendant communicated to third parties, Plaintiff’s co-workers, that Plaintiff allegedly owes a debt.

13. Defendant threatened to file a lawsuit against Plaintiff if Plaintiff did not pay the alleged debt.

CLAIM FOR RELIEF

14. Defendant’s violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff at her place of employment even though Defendant knew that Plaintiff’s employer prohibits the

consumer from receiving such communications;

- b. Defendant violated §1692c(b) of the FDCPA by communicating with Plaintiff's co-workers in connection with the collection of Plaintiff's debt;
- c. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt;
- d. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff;
- e. Defendant violated §1692e(5) of the FDCPA by threatening to file a lawsuit against Plaintiff even though Defendant does not intend to do so; and
- f. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening to file a lawsuit against Plaintiff.

15. Plaintiff is entitled to her attorney's fees and costs incurred in this action.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1000.00, pursuant to 15 U.S.C. § 1692k
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: 9-1-10

KROHN & MOSS, LTD.

By: 

Adam T. Hill

Attorney for Plaintiff

120 W. Madison St.; 10th Fl.

Chicago, Illinois 60602

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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, Tamara Flegal hereby demands a jury trial in this matter.

VERIFICATION

(STATE OF VIRGINIA)

:SS.:

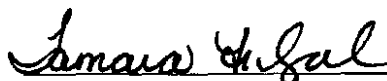
COUNTY OF FREDRICK)

Plaintiff, TAMARA FLEGAL, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;
6. Each and every exhibit I have provided to my attorneys, which has/have been attached to this Complaint, is/are true and correct copy(s) of the original(s); and
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated the exhibit(s), except that some of the attached may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, TAMARA FLEGAL, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 9.20.10


TAMARA FLEGAL